

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

22-CR-6009-CJS-MJP

JOHN LOONEY,

Defendant.

**MOTION FOR EXTENTION OF TIME TO FILE OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATION**

COMES NOW defendant, by counsel, James. A. Napier, Esq., and moves the Court for its Order extending the time within which defendant may file objections to the Report and Recommendation dated September 29, 2023 by United States Magistrate Judge, Mark W. Pedersen.

In support thereof, defendant states that:

1. The Report and Recommendation of the magistrate was provided to counsel on September 29, 2023, making objections to the Report and Recommendation initially due on or about October 13, 2023.
2. Counsel has been meeting with my client regularly and doing legal research regarding the Report and Recommendations.
3. As this Court can see based on the length of the Report and Recommendation and the length of previous pleadings submitted to the magistrate, and the multiple argument dates, the legal issues involved here are rather complicated.

4. Given my schedule and the need to consult with Bonnie Burkhardt, who assisted Counsel with the Privacy Rights argument, and the need to thoroughly review the legal analysis of the Magistrate, I would request until December 6, 2023, to complete necessary research, which is ongoing, to submit any Objections to the Report and Recommendation. Mr. Looney and I have met numerous times to prepare our pleading and do not anticipate and are confident a further request for adjournment will not be necessary.

5. The Court did grant a second request for extension to file Objections to November 21, 2023.

6. AUSA Meghan McGuire has no objection to this third, and firmly believe our last, request for an extension of time to file Objections until December 6, 2023.

WHEREFORE, defendant moves Court for its Second Order extending the time within which he may file his objections to the Report and Recommendation of the Magistrate until December 6, 2023.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
Attorney for John Looney
16 W. Main Street, Suite 700
Rochester, New York 14614
(585) 232-4474
Email: jim@napierandnapier.com

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system which sent notification of such filing to all counsel of record.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
Counsel for Defendant, John Looney